

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL NO. 3:02CR156-7

UNITED STATES OF AMERICA)
)
)
)
VS.) ORDER
)
)
WILLIE JAMES GREEN)
)

THIS MATTER is before the Court on the application of the United States for a writ of continuing garnishment directed to J & T Utilities Construction Co., Inc., Garnishee.

According to the record, each of the individual victims received restitution payments in early 2005. **See, e.g., Affidavit of Beth Mitchell, filed February 2, 2005.** In addition, it appears that there may have also been restitution payments from forfeited funds. ***Id.* (“I am aware that in addition to the funds currently on deposit with the Clerk of Court in this case, the United States has obtained a Final Order of Forfeiture with regard to \$7,500,516.08 in funds obtained from Fannie Mae. Because the Clerk of Court now has sufficient funds to pay all individual victim restitution as ordered by the Court, those additional**

funds forfeited by the January 21, 2005 Order are available to be paid as restitution to the institutional victim, Ginnie Mae, as ordered by the Court in the judgments.”). However, the application for a writ of continuing garnishment indicates that only \$900 has been paid toward restitution. It is unclear to the Court whether the garnishment is sought for restitution which has already been paid or for collection purposes to reimburse Fannie Mae. As a result, the Court will require clarification.

IT IS, THEREFORE, ORDERED that the application for a writ of continuing garnishment is hereby **DENIED** without prejudice to renewal with additional clarification.

Signed: November 12, 2006



Lacy H. Thornburg
United States District Judge

